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September 26, 2024

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SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PACIFIC PLACE PROJECT, SCH NO. 2023060250, LOS ANGELES COUNTY, CA

Dear Amy Harbin:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Long Beach (City; Lead Agency) for the Pacific Place Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: InSite Property Group

Objective: The Project proposes the development of a four-story self-storage building consisting of approximately 1,681 self-storage units. The proposed building would be constructed in the southeast portion of the Project site. Additionally, 551 rentable RV parking stalls, 27 standard automobile parking stalls, and five ADA accessible automobile parking stalls would be installed throughout the site. In addition to RV stalls and a self-storage building, the Project proposes to construct and operate a private car and RV wash for exclusive use by the property owner and tenants. Access to the Project site would occur from an extension of North Pacific Place northwest of the existing end of Ambeco Road. Retaining walls would be constructed along the west, northeast, and most of the eastern boundary. An additional retaining wall would be constructed to separate the landscaped area in the northern portion of the Project site from development in the southern portion. Moreover, an eight-foot-high concrete block wall would be constructed adjacent to the site perimeter, along the western, northern, and northeastern edges of the Project site. Exterior security lighting for the self-storage building and car wash would be installed and directed towards the Project site to prevent spillage onto off-site areas. Landscaping would also be installed throughout the Project site. On-site drainage would be directed to a series of catch basins and underground storage pipes along the site perimeter, which would convey on-site stormwater to multiple underground cisterns. To collect stormwater that originates off site and flows to North Pacific Place, two catch basins would be installed on North Pacific Place, as well as a new storm drain line extending along the southern perimeter of the site. Domestic, fire, and irrigation lines would also be constructed on site to serve the anticipated water demand. Lastly, the Project would grant an easement to the City for future development of a publicly accessible trail and trailhead.

Project Alternatives: The DEIR provides three Project Alternatives: No Project Alternative, Alternative 1 – Development According To Existing Land Use Designations, and Alternative 2 – Reduced RV Storage. Under the No Project Alternative, the Project

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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site would remain under existing conditions. The existing soil surcharge pile would remain in place and no future remediation activities would occur. Under Alternative 1, the Project would allow the maximum development under the existing land use designation of Neo-Industrial and zoning designation of Light Industrial. The Project site would be developed with up to 618,552 square-feet of Light Industrial uses in a maximum four-story structure that would not exceed 7.81 acres of the Project site. Under Alternative 2, development of the self-storage building and associated parking lot would occur similarly to the proposed Project, but the RV parking would be reduced and the private car wash would not be developed. This alternative would consist of a four-story self-storage building, automobile parking stalls, and 350 RV parking spaces. Reducing the RV parking spaces would increase the circulation throughout the Project site.

Location: The 14.2-acre Project site is located at 3701 North Pacific Place in the City of Long Beach, Los Angeles County. The Project site is bound by railroad tracks and Avery Place to the north, Del Mar Avenue to the east, Los Angeles River to the west, and Highway 405 to the south. The Assessor's Parcel Number associated with the Project is 7140-014-34.

Timeframe: Site preparation and Project construction would occur in two phases. The first phase was completed in January 2021, which involved mass grading of the Project site and creation of an 18-foot-tall soil surcharge pile. The second phase is expected to occur over a 20-month period and would consist of grading out the surcharge pile, importation of additional soil, building construction, paving and architectural coatings. The Project is anticipated to be completed by July 2026.

Biological Setting: In the 1920's, the Project site functioned as a receiving terminal for oil production waste materials. The site was partially cleaned in the 1970's and subsequently transformed to a golf driving range in the mid-2000s. Wooden poles and netting from the former driving range are present along the perimeter of the Project site. In September 2020 to January 2021, the property owner conducted surcharge activities which involved grading and construction of a surcharge pile using clean soil taken from the northern portion of the Project site and certified clean soil from an off-site location. Moreover, drainages were created on site.

Currently, the majority of the Project site is bare land with areas of weedy, ruderal (e.g., non-native) vegetation. In preparation of the MND, several consulting firms conducted biological surveys in 2020, which included a biological resource assessment (BRA), a focused special-status plant species survey, and a Crotch's bumble bee (*Bombus crotchii*; CESA candidate species) visual survey. In preparation of the EIR, a general biological survey was performed on September 13, 2023. Additional biological assessments of areas proposed for off-site improvements were conducted on October 3, 2023. The general survey and additional assessments were compiled in a 2024 BRA. A jurisdictional delineation and assessment of impacts to water features was also conducted on September 13, 2023, and findings were compiled in a separate report.

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Vegetation communities that exist within the Project site and off-site improvement areas include big saltbush scrubland alliance (*Atriplex lentiformis* scrubland; 0.02 acre), cypress/pine hedgerow (0.02 acre), and swamp mahogany hedgerow (0.09 acre). The majority of the Project site is bare land (14.05 acres).

While no sensitive natural communities were observed, the Project site previously supported a southern tarplant (*Centromadia parryi* ssp. *australis*; California Rare Plant Rank (CRPR) 1B.1) population. It is estimated that from 2019 to 2020, roughly 1,275 southern tarplant individuals were removed from the Project site. A southern tarplant population currently exists in the big saltbush shrubland community directly west of the Project site. During the 2023 surveys, approximately 2,000 southern tarplant individuals were estimated to occur in this area.

In addition to southern tarplant, decumbent goldenbush (*Isocoma menziesii* var. *decumbens*; CRPR 1B.2) may be present on the Project site. No natural water features (e.g., vernal pools, depressions, streams) were observed within the Project site. No special-status wildlife species were observed during the 2023 surveys. During the 2020 Crotch's bumble bee visual survey, a male Crotch's bumble bee was observed foraging on flax-leaved horseweed (*Erigeron bonariensis*) flowers on the Project site. Moreover, there are several eucalyptus trees within the off-site improvement areas that may support overwintering sites for Monarch butterflies (*Danaus plexippus plexippus* pop.1; federal candidate for listing). The Project site may also support burrowing owl (*Athene cunicularia*; California Species of Special Concern (SSC)) that have been known to occur throughout the City. Additionally, the trees along the property boundary and within the off-site improvement areas may support the western yellow bat (*Lasiurus xanthinus*; SSC) and migratory birds and raptors. The City has incorporated mitigation measures in the DEIR specific to rare plants, southern tarplant, monarch butterfly, Crotch's bumble bee, burrowing owl, and migratory birds.

Project History: Originally, the City circulated a Mitigated Negative Declaration (MND) for this Project (October 2020; SCH No. 2020100290). During the CEQA public review period, CDFW provided a comment letter on the MND (November 2020). The MND was adopted by the City on April 13, 2021, but was challenged by Riverpark Coalition and Los Angeles Waterkeeper (Riverpark Coalition and Los Angeles Waterkeeper v. City of Long Beach, Case No. 21STCP01537). As a result, the City was ordered to void, vacate, and set aside the MND and prior Project approvals. A new application was filed with the City on February 8, 2024, and the current DEIR was developed. As part of the EIR process, a Notice of Preparation (NOP) was released on June 7, 2023. During the CEQA public review period for the NOP, CDFW submitted comments to the City (June 2023). Since August 8, 2023, CDFW has worked with the City and the Project proponent's biological consultant, First Carbon Solutions, to discuss our comments and scope the DEIR. Engagement with both entities has been centered around compensatory mitigation for southern tarplant that was previously removed from the Project site. CDFW also met with members of the public and non-governmental organizations to discuss their concerns with the Project.

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COMMENTS AND RECOMMENDATIONS

While CDFW appreciates the City's prior efforts to incorporate CDFW's comments, we have additional comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts on Rare Plants

Issue: The Project may continue to have adverse impacts on rare plants.

Specific impact: Vegetation clearing and grading of the Project site may result in loss of suitable habitat, loss of population, and direct mortality of rare plants. Project activities may also result in the seedbank being buried, crushed, or trampled on.

Why impact would occur: According to the 2024 BRA, there is confirmed presence of southern tarplant observed within the Project site, and there is potential for decumbent goldenbush to occur on site. A population of approximately 1,275 southern tarplant individuals was removed from the Project site as a result of previous surcharge activities. To offset the loss of 1,275 southern tarplant individuals, the City incorporated Mitigation Measure (MM) BIO-1b *On-site Restoration of Southern Tarplant Program*. Additionally, the City included MM BIO-1a *Rare Plant Surveys* to confirm the presence or absence of additional rare plants such as decumbent goldenbush.

CDFW had the opportunity to scope MM BIO-1b and concurs with the Project proponent that creating a southern tarplant population in the northern and western portions of the Project site would be most appropriate compensatory mitigation strategy. We remain concerned, however, that the measure has been revised after our review to use propagules that were collected on the Project site in 2020. It was previously communicated with the City that the seeds should be tested prior to use to determine whether or not the seeds are viable to create a successful southern tarplant population. The DEIR does not specify whether the seeds from 2020 have been tested for viability. If the mitigation site was created solely with these seeds, there is a high possibility that the targeted number of 1,275 southern tarplant individuals may not be achieved, resulting in incomplete compensatory mitigation. The measure should be revised to first test the seeds prior to any use and should include the option to collect seeds from the nearby southern tarplant population if necessary.

CDFW is also concerned that MM BIO-1a does not outline compensatory mitigation for any new rare plant observations that may occur during rare plant surveys. The measure defers the Project proponent to consult with CDFW to determine appropriate off-site mitigation. As it is currently written, if rare plants are detected, there is no timeframe in which compensatory mitigation should be provided, no minimum threshold of mitigation that should be achieved, nor any clear performance standards for what mitigation should achieve. Given the extensive and unsuccessful attempts the Project proponent

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has already made to find appropriate off-site mitigation for southern tarplant, we are concerned that such a mitigation measure is not realistically feasible by the Project proponent nor enforceable by the City.

Lastly, the Project's proposed off-site improvements would occur along North Pacific Place Road. Based on Exhibit 4.3-3 (Attachment B), a portion of off-site improvements in the southwestern area of the Project site appears to encroach upon the existing southern tarplant population, which contained approximately 2,000 southern tarplant when surveyed in 2023. It is not disclosed in the Project Description whether off-site improvements would result in encroachment or removal of southern tarplant individuals. If off-site improvements would impact additional southern tarplant, these new impacts should be thoroughly discussed and appropriately mitigated.

Evidence impact would be significant: Impacts on rare flora could be considered a significant effect on the environment. Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most of the plants that are ranked 1B have declined significantly over the last century. The additional threat rank of 0.1 indicates a species with over 80 percent of its occurrences threatened in California. The additional threat rank of 0.2 indicates a species with 20 to 80 percent of its occurrences threatened (CNPS 2024). Impacts to CRPR 1B plant species and their habitat meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380).

Impacts to CRPR 1B plant species and their habitat may result in a mandatory finding of significance because the Project would potentially threaten to eliminate a plant community and substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Insufficient mitigation may result in unmitigated temporal or permanent impacts to a rare plant species. Subsequently, the Project would continue to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW.

Furthermore, mitigation measures MM BIO 1a and MM BIO 1b as written could be considered deferred mitigation. Mitigation measures should be drafted to be effective, feasible, and fully enforceable (CEQA Guidelines, §15126.4). With revisions, these measures could provide appropriate mitigation for impacts to southern tarplant and other rare plants.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Off-site Improvements – CDFW recommends that the City revise the Project Description in the final EIR to include a thorough description of the exact off-site improvements. The final EIR should also evaluate if the off-site improvements would have a direct and/or indirect impact on the existing southern tarplant population. If the existing southern tarplant population may be impacted, the final EIR should disclose the approximate acreage of the population that would be

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impacted and an estimation of how many southern tarplant individuals would be removed.

Mitigation Measure #1: Rare Plant Measures - Mitigation Measure BIO-1a *Rare Plant Surveys* and Mitigation Measure BIO-1b *On-Site Restoration of Southern Tarplant Program* shall be revised to incorporate the underlined language and omit language in ~~strikethrough~~:

MM BIO-1a Rare Plant Surveys. Prior to the initiation of construction on the Project Site, the Project applicant shall retain a qualified ~~Biologist or Botanist~~ with the appropriate handling permits to conduct focused rare plant surveys in accordance with California Department of Fish and Wildlife (CDFW) (2018) protocols. The rare plant surveys shall be conducted at the proper time of year when the target rare species (southern tarplant, decumbent goldenbush) are both “evident” and identifiable, i.e., during bloom periods. The Project proponent shall submit a survey report, including negative findings to the City and CDFW. At a minimum, the survey report shall include: a description and map of the survey area; field survey conditions; complete list of plant species present; a map of the location of any rare plants; a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions of where each rare plant was found; and species-specific measures to mitigate impacts to rare plants. ~~If additional southern tarplant individuals or decumbent goldenbush individuals are found on the Project Site, the Project applicant shall consult with CDFW to determine appropriate off-site mitigation. If no decumbent goldenbush individuals are found, then the proposed Project would not have any impacts to this species and no mitigation measures would be necessary.~~

MM BIO-1b On-site Restoration of Southern Tarplant Program. The Project applicant shall implement an on-site restoration of southern tarplant using propagules (seeds, topsoil) that were collected on the Project Site in 2020. Prior to use of seeds, the qualified botanist shall test the viability of the seeds and determine whether the seeds are viable. If the seeds are unviable, the Project proponent shall obtain southern tarplant seeds from a local seed distributor or collected from a nearby population. The restoration program shall be implemented within an approximately 0.5-acre area located in the northern and western portions of the Project Site that shall remain undeveloped. To the extent possible, the restoration program shall be implemented along the western boundary of the Project Site to provide a connection to the existing southern tarplant population located on the property owned by the County of Los Angeles west of the Project Site. The goal of the restoration program shall be replacement of 1,275 southern tarplants in this area to achieve a 1:1 ratio of lost to replaced plants. Prior to implementing the restoration effort, the applicant shall submit a Southern Tarplant Mitigation and Monitoring Plan to the California Department of Fish and Wildlife (CDFW) for review and approval that is prepared by a qualified Botanist or restoration Ecologist. The plan shall be submitted to and approved by CDFW prior to ~~within 6 months following~~ issuance of a grading permit. The plan shall detail the identification of on-site areas for receiving southern tarplant propagules, methods for implementing site preparation and habitat restoration techniques, recommendations for timing of the

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restoration effort, clearly defined success criteria, a monitoring plan for assessing and reporting the success of the southern tarplant restoration program over a five-year period following implementation, and an adaptive management structure that allows for implementing measures such as collection of additional propagules from off-site locations, weed control, erosion control, or other appropriate actions if success criteria are not met. The Project applicant shall protect the restoration site in perpetuity under a protection mechanism (i.e., conservation easement, deed restriction, or restrictive covenant). Recordation of the protection mechanism shall occur prior to commencement of Project activities ~~issuance of certificate of occupancy~~.

Mitigation Measure #2: Additional Southern Tarplant Mitigation – If additional southern tarplant are detected during the rare plant surveys and will be impacted by Project activities, the Project proponent shall mitigate the loss of individual southern tarplant at a minimum of 2:1. The mitigation shall be included in the on-site restoration of southern tarplant program.

Mitigation Measure #3: Rare Plant Compensatory Mitigation – If additional rare plants are detected and would be impacted, the Project proponent shall provide compensatory mitigation to offset the Project's impact on rare plants. At a minimum, the amount of rare plant individuals within the mitigation land shall be no less than 2:1. The mitigation land shall be approved by CDFW and provide equivalent or greater habitat value than that of the Project site. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.

Mitigation Measure #4: Habitat Management and Monitoring Plan – If additional rare plants are detected and would be impacted, the Project proponent shall retain a qualified botanist to draft a Habitat Management and Monitoring Plan (HMMP) and submit it to the City and CDFW for review and approval prior to Project activities. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of exotic vegetation, irrigation schedule, and protection from future maintenance activities.

COMMENT # 2: Impact on Monarch Butterflies

Issue: The mitigation measures proposed in the DEIR may not fully avoid Project impacts on monarch butterflies and overwintering sites.

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Specific impact: Project activities may result in direct impact to monarch butterflies through vegetation removal and tree trimming. Additionally, permanent or temporary impacts to overwintering habitat could result in local population decline or local extirpation of monarch butterflies.

Why impact would occur: According to the 2024 BRA, there is suitable foraging habitat located in the ruderal area within the Project site and the big saltbush scrub community adjacent to the Project site. There is also a small grove of eucalyptus trees along the southern border of the Project site that may provide suitable winter roosting habitat. Moreover, the [Western Monarch Overwintering Site Viewer](#)³ demonstrates that there are multiple monarch overwintering sites within the City and neighboring cities (Xerces 2024). The City acknowledges the Project may impact monarch butterflies and has incorporated MM BIO-2a *Monarch Butterfly Pre-construction Surveys* and MM BIO-2b *Avoidance of Monarch Butterfly Roosts*. MM BIO-2a prescribes a one-time pre-construction survey three days before activities, which may not be sufficient time to observe the overwintering sites and any changes in overwintering and foraging behavior. If an overwintering site is found, three days is not sufficient time to consult with the United States Fish and Wildlife Service (USFWS) and draft a long-term management plan. Additionally, MM BIO-2b prescribes an exclusion zone of 100 feet around a monarch butterfly roost. The DEIR does not provide a scientific justification as to how the minimum distance of 100 feet was determined as an appropriate buffer. According to USFWS's [Western Monarch Butterfly Conservation Recommendations](#)⁴, it is recommended to avoid removing living trees or shrubs within 500 feet of overwintering sites and any tree trimming or management activities should be conducted when monarchs are not present in coordination with a monarch biologist (USFWS 2023). Proceeding with construction activities with a small buffer around overwintering sites may lead to injury and/or mortality of individual monarch butterflies, reduced health and vigor of the existing population, and potential abandonment of the overwintering site due to disturbances (e.g., loud noise, vibrations).

Evidence impact would be significant: The monarch butterfly is included on CDFW's [Terrestrial and Vernal Pool Invertebrates of Conservation](#)⁵ Priority list and identified as a Species of Greatest Conservation Need in California's [State Wildlife Action Plan](#)⁶ (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarch butterflies and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374

³ <https://westernmonarchcount.org/map-of-overwintering-sites/>

⁴ <https://xerces.org/publications/planning-management/western-monarch-butterfly-conservation-recommendations>

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

⁶ <https://wildlife.ca.gov/SWAP/Final>

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directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarch butterflies.

The monarch butterfly meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on the monarch butterfly may require a mandatory finding of significance because the Project would potentially threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of monarch butterflies, either directly or indirectly through habitat loss, would constitute a significant impact, absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species within or near the Project site.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #5: Monarch Butterfly Measures - Mitigation Measure BIO-2a Monarch Butterfly Pre-construction Surveys and Mitigation Measure BIO-2b Avoidance of Monarch Butterfly Roosts shall be revised to incorporate the underlined language and omit language in ~~strikethrough~~:

MM BIO-2a Monarch Butterfly Focused Pre-construction Surveys. If construction activities are initiated during the migration season for monarch butterflies (typically October 15-through ~~March 1~~February 15), a monarch biologist ~~qualified Biologist with a scientific collecting permit~~ shall conduct multiple focused pre-construction surveys for roosting monarch butterflies within and adjacent to the Project site construction area, including a 500-foot survey buffer, ~~no more than 3 days~~ prior to the start of ground-disturbing activities ~~construction activities in the construction area~~. Monitoring should be conducted frequently during the overwintering season to capture changing distributions throughout the season, and in response to storm events.

MM BIO-2b Avoidance of Monarch Butterfly Roosts. If a monarch butterfly roost is detected during focused pre-construction surveys or at any point during the construction phase of the Project, the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) ~~(as appropriate)~~ shall be notified regarding the status of the roost. The Project proponent and monarch biologist shall consult with USFWS to prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan. No work shall commence until the long-term Monarch Butterfly Overwintering Habitat Management Plan is approved by USFWS. ~~Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the roost until the monarch butterflies have dispersed from the roost or a qualified Biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around a monarch butterfly roost) or alteration of the construction schedule.~~

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COMMENT # 3: Impact on Western Yellow Bat

Issue: The Project may impact roosting and foraging habitat of the western yellow bat within and adjacent to the Project site.

Specific impact: The Project would result in removal of trees and vegetation within the off-site improvement areas. Project activities may result in direct mortality or roost disturbance via increased noise disturbances, human activity, dust, ground disturbing activities (e.g., staging, access, grading, excavating, paving), and vibrations caused by heavy equipment.

Why impact would occur: The 2020 BRA noted that the Project may impact several bat species. Since 2020, grading and vegetation removal on the Project site has resulted in primarily bare land with ruderal vegetation. The western yellow bat is a SSC that preferentially roosts in trees, often among the dead fronds of fan palms in southern United States (NatureServe 2024). While the Project site does not support fan palms, there are several fan palms along North Pacific Place that are in close proximity to the off-site improvement areas and the Project site. Additionally, there is potential for western yellow bat to roost in the trees within the off-site improvement areas.

Focused bat species, including nighttime emergency surveys, have not been conducted on the Project site or off-site improvement area. Focused surveys are needed to confirm the presence or absence of bat species roosting and/or foraging. Absent focused surveys, Project construction may adversely impact this SSC through injury/mortality to adult and young bats, loss of foraging habitat, roosting habitat loss, and disturbance of maternal roosts. Additionally, increased noise, vibration, or use of heavy machinery can lead to the disturbance of roosting bats which may have a negative impact on the species. Human disturbance can also lead to a fluctuation in humidity or temperatures of a roost site, resulting in a change of microclimate conditions that may make the site unsuitable to roost. Humans approaching a roost could force the species to change their mode of egress and/or ingress to a roost. Although temporary, such disturbances can lead to the abandonment of a maternity roost (Johnston et al. 2004). The City should include avoidance, minimization, and mitigation measures in the DEIR to reduce significant impacts to western yellow bats.

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, the western yellow bat is considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #6: Bat Focused Surveys - The Project proponent shall retain a qualified bat specialist to conduct daytime and nighttime bat surveys throughout the

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Project area (plus a 100-foot buffer as access allows). These surveys shall identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized during day and night surveys to maximize detection of bats. A discussion of survey results, including negative findings, shall be provided to the City and CDFW. If no bat species are detected, the Project may proceed. If bat species are detected, no Project activities shall commence, and the Project proponent shall contact CDFW to coordinate on appropriate actions and compensatory mitigation.

Mitigation Measure #7: Tree Removal - If bats are not detected, but the bat specialist determines that roosting bats may be present, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24-48 hours, as determined by the bat specialist, shall elapse prior to such operations to allow bats to escape.

Mitigation Measure #8: Maternity Roosts - If the Project area supports maternity roosts, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season, when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree shall be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of, or directly under or adjacent to, an active roost. Work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.

COMMENT # 4: Impacts on Nesting Birds and Raptors

Issue: The mitigation measures proposed in the DEIR may not fully avoid minimize Project impacts on nesting birds and raptors.

Specific impact: Project activities (i.e., vegetation removal, grading, construction) may result in mortality or injury to individual birds and raptors present within the Project site. Additionally, Project activities during breeding season of nesting birds could result in nest abandonment and/or incidental loss of fertile eggs or nestlings.

Why impact would occur: During general and focused surveys for this Project, several migratory bird and raptors were observed on site and within adjacent areas. The DEIR states, "Birds may find nesting habitat throughout the Project site on bare ground and in herbaceous stands, and in shrubs, and trees and on buildings and other structures adjacent to the site" (page 4.3-8). The City acknowledges birds and raptors may be

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present during Project activities and incorporated MM BIO-5a *Nesting Bird Pre-construction Surveys* and MM BIO-5b *Avoidance of Active Avian Nests* in the DEIR. MM BIO-5b states that construction activities shall be restricted with exclusion zones to avoid disturbance of a nest until it has been abandoned or the biologist determines that disturbance “to be minimal”. Construction activities should never occur if there is any potential to have minimal or significant disturbance on active nests. Proceeding with Project activities knowing that there may be disturbances to an active nest may result in loss of fertile eggs or nestlings. Additionally, the measure provides an exclusion zone of 300 feet for raptor nests and 50 feet for active bird nests. With a buffer of 50 feet, eggs and nestlings may continue to be impacted by noise disturbances, increased human activity, increased lighting, dust, vegetation clearing, ground-disturbing activities (e.g., staging, access, grading), and vibrations caused by heavy equipment. If a buffer zone is not appropriately sized, any active nests may also be encroached upon or destroyed. These measures should be revised with actions and buffers that would reduce the potential for incidental take of individuals or active nests as a result of the Project.

Evidence impact would be significant: Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #9: Nesting Bird/Raptor Measures – Mitigation Measure BIO-5a *Nesting Bird Pre-construction Surveys* and Mitigation Measure BIO-5b *Avoidance of Active Avian Nests* shall be revised to incorporate the underlined language and omit language in ~~strikethrough~~:

MM BIO-5a Nesting Bird Pre-construction Surveys. Project activities shall occur outside the nesting season for migratory birds and raptors (February 1 through September 15, as early as January 1 for some raptors). If ground-disturbing or vegetation-removing construction activities or tree removal is proposed during the breeding/nesting season for migratory birds (~~typically February 1 through September 15~~), a qualified Biologist shall conduct pre-construction surveys for ~~special-status birds and other migratory birds and raptors~~ within the Project site construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground-disturbing activities ~~in the construction area~~. If Project activities are delayed or suspended for more than 7 days during the nesting season, the nesting bird and raptor survey shall be repeated.

MM BIO-5b Avoidance of Active Avian Nests. If an active nest is located during preconstruction surveys or at any point during the construction phase of the Project, the species shall be identified, and a no-disturbance buffer shall be established around the

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active nest. If a nest of a special-status bird or raptor is detected, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a qualified Biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at At a minimum, a no-disturbance buffer of 500 feet radius of 300 feet around an active raptor nest and a no-disturbance buffer of 100 feet shall be placed 50-foot radius around an active migratory bird nest) or alteration of the construction schedule. Personnel working on the Project, including all contractors working onsite, shall be instructed on the presence of nesting birds, restricted areas, and adherence to no-disturbance buffers. A qualified biologist shall periodically monitor any active bird nests to determine if Project-related activities occurring outside the “no-disturbance” buffer disturbs the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, Project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

ADDITIONAL COMMENTS

Alternative 2 - Reduced RV Storage Alternative. CDFW supports Alternative 2 as the Environmentally Superior Alternative and recommends it as the Preferred Alternative for the Project. Alternative 2 retains the majority of the Project elements as the proposed Project by retaining the self-storage building and approximately 65% of the RV spaces proposed. The only main element that would be eliminated is a private car wash; however, having a car wash is not a necessity given that there are various car wash locations throughout the City. Additionally, the DEIR states that Alternative 2 would be the environmentally superior build alternative (page 5-23). Previous scoping to find a sufficient off-site mitigation presented challenges, and it may be in the best interest of the Project proponent and the City to adopt Alternative 2 that would reduce the development footprint. By eliminating the RV spaces and the private car wash, the Project proponent has available space that could be utilized to expand on-site mitigation if special-status species (e.g., decumbent goldenbush, southern tarplant, Crotch's bumble bee) are determined to be present during surveys.

Trail. The DEIR notes that the Project proponent intends to grant the City a nonexclusive easement, "...for future development of a publicly accessible trail and trailhead" (page 1-2). Moreover, the DEIR states, "[t]he easement area would be available to be developed and used by the public as a trail for pedestrian, bicycle, and equestrian uses as and when the Los Angeles County Flood Control District property is developed for public recreation and open space" (page 2-3). Given that the easement area is intended for development of a public trail, CDFW requests that the City provide clarification as to whether the construction, operation, and maintenance of the trail is proposed as part of this Project or whether development, operation, and maintenance of the trail will be analyzed as a separate discretionary action under CEQA. If development

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of the trail is part of this Project, the final EIR should include a map with the layout of the trail, a detailed description of specific Project activities associated with construction of the trail, an impact analysis of a trail as it relates to biological resources and wildlife species, and mitigation measure or measures where appropriate.

Lighting. The Project proposes to install exterior security lighting that would be directed at the storage building and RV stalls. CDFW recommends exterior lighting is directed away from the on-site southern tarplant mitigation site within the Project site.

Landscaping. According to the DEIR, “[t]he Project includes four planter schemes including a mix of native and introduced species” (page 3-6). CDFW recommends the City incorporates a planting palette in the final EIR, specifying the vegetation that will be used as landscaping for this Project. The Project proponent should use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent restrict use of any species, particularly ‘moderate’ or ‘high’ listed by the [California Invasive Plant Council](#)⁷ (Cal-IPC 2024). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project’s environmental document include the mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project’s mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)⁸ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms (CDFW 2024a).

⁷ <https://www.cal-ipc.org/plants/inventory/>

⁸ <https://wildlife.ca.gov/Data/CNDDDB>

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In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁹ (CDFW 2024b).

The City should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Julisa Portugal¹⁰, Environmental Scientist.

Sincerely,

DocuSigned by:

5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

Attachment B: Exhibit 4.3-3 Southern Tarplant Population Extent

⁹ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

¹⁰ Phone: 562-330-7563; Email: Julisa.Portugal@wildlife.ca.gov

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cc: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Jennifer Turner, CEQA Senior Environmental Scientist (Supervisory)
Julisa Portugal, Environmental Scientist

United States Fish and Wildlife Service
Carol Roberts, carol_a_roberts@fws.gov

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

- California Department of Fish and Wildlife. November 2020. Comments on the Mitigated Negative Declaration for the Pacific Place Project, City of Long Beach, Los Angeles County, California (SCH No. 2020100290).
- California Department of Fish and Wildlife. June 2023. Comments on the Notice of Preparation for the Pacific Place Project, City of Long Beach, Los Angeles County, California (SCH No. 2023060250).
- [Cal-IPC] California Invasive Plant Council. 2024. The Cal-IPC Inventory. Available at: <https://www.cal-ipc.org/plants/inventory/>
- [CDFW] California Department of Fish and Wildlife. 2015. State Wildlife Action Plan. Available at: <https://wildlife.ca.gov/SWAP/Final>
- [CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>
- [CDFW] California Department of Fish and Wildlife. 2024a. California Natural Diversity Database. Available at: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFW] California Department of Fish and Wildlife. 2024b. Combined Rapid Assessment and Revele Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CNPS] California Native Plant Society. 2024. California Rare Plant Ranks. Available at: <https://www.cnps.org/rare-plants/california-rare-plant-ranks>
- [NatureServe 2024] NatureServe Explorer. 2024. Western Yellow Bat (*Lasiurus xanthinus*). Available at: https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.103577/Lasiurus_xanthinus
- Johnston, D., Tatarian, G., Pierson, E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Available at: <https://dot.ca.gov/-/media/dot-media/programs/environmentalanalysis/documents/env/bio-ca-bat-mitigation-techniques-effectiveness-a11y.pdf>

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[USFWS] United States Fish and Wildlife Service. 2023. Western Monarch butterfly Conservation Recommendations. Available at:

https://xerces.org/sites/default/files/publications/21-015_03.pdf

[Xerces] Xerces Society for Invertebrate Conservation. Western Monarch Overwintering Site Viewer. Available at: <https://westernmonarchcount.org/map-of-overwintering-sites/>

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Rare Plant Measures</p> <p>MM BIO-1a Rare Plant Surveys. Prior to the initiation of construction on the Project Site, the Project applicant shall retain a qualified Botanist with the appropriate handling permits to conduct focused rare plant surveys in accordance with California Department of Fish and Wildlife (CDFW) (2018) protocols. The rare plant surveys shall be conducted at the proper time of year when the target rare species (southern tarplant, decumbent goldenbush) are both “evident” and identifiable, i.e., during bloom periods. The Project proponent shall submit a survey report, including negative findings to the City and CDFW. At a minimum, the survey report shall include: a description and map of the survey area; field survey conditions; complete list of plant species present; a map of the location of any rare plants; a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions of where each rare plant was found; and species-specific measures to mitigate impacts to rare plants.</p> <p>MM BIO-1b On-site Restoration of Southern Tarplant Program. The Project applicant shall implement on-site restoration of southern tarplant using propagules (seeds, topsoil) that were collected on the Project Site in 2020. Prior to use of seeds, the qualified botanist shall test the viability of the seeds and determine whether the seeds are viable. If the seeds are unviable, the Project proponent shall obtain southern tarplant seeds from a local seed distributor or collected from a nearby population. The restoration program shall be implemented within an approximately 0.5-acre area located in the northern and western portions of the Project Site that shall remain undeveloped. To the extent possible, the restoration program shall be implemented</p>	<p>Prior to, During and After Project activities</p>	<p>Project Proponent / Qualified Botanist</p>

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Mitigation Measure	Timing	Responsible Party
<p>along the western boundary of the Project Site to provide a connection to the existing southern tarplant population located on the property owned by the County of Los Angeles west of the Project Site. The goal of the restoration program shall be replacement of 1,275 southern tarplants in this area to achieve a 1:1 ratio of lost to replaced plants. Prior to implementing the restoration effort, the applicant shall submit a Southern Tarplant Mitigation and Monitoring Plan to the California Department of Fish and Wildlife (CDFW) for review and approval that is prepared by a qualified Botanist or restoration Ecologist. The plan shall be submitted to and approved by CDFW prior to issuance of a grading permit. The plan shall detail the identification of on-site areas for receiving southern tarplant propagules, methods for implementing site preparation and habitat restoration techniques, recommendations for timing of the restoration effort, clearly defined success criteria, a monitoring plan for assessing and reporting the success of the southern tarplant restoration program over a five-year period following implementation, and an adaptive management structure that allows for implementing measures such as collection of additional propagules from off-site locations, weed control, erosion control, or other appropriate actions if success criteria are not met. The Project applicant shall protect the restoration site in perpetuity under a protection mechanism (i.e., conservation easement, deed restriction, or restrictive covenant). Recordation of the protection mechanism shall occur prior to commencement of Project activities.</p>		
<p>Mitigation Measure #2: Additional Southern Tarplant Mitigation If additional southern tarplant are detected during the rare plant surveys and will be impacted by Project activities, the Project proponent shall mitigate the loss of individual southern tarplant at a minimum of 2:1. The mitigation shall be included in the on-site restoration of southern tarplant program.</p>	<p>Prior to Project activities</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #3: Rare Plant Compensatory Mitigation</p> <p>If additional rare plants are detected and would be impacted, the Project proponent shall provide compensatory mitigation to offset the Project’s impact on rare plants. At a minimum, the amount of rare plant individuals within the mitigation land shall be no less than 2:1. The mitigation land shall be approved by CDFW and provide equivalent or greater habitat value than that of the Project site. The Project proponent shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.</p>	<p>Prior to Project activities</p>	<p>Project Proponent</p>
<p>Mitigation Measure #4: Habitat Management and Monitoring Plan</p> <p>If additional rare plants are detected and would be impacted, the Project proponent shall retain a qualified botanist to draft a Habitat Management and Monitoring Plan (HMMP) and submit it to the City and CDFW for review and approval prior to Project activities. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of exotic vegetation, irrigation schedule, and protection from future maintenance activities.</p>	<p>Prior to Project activities</p>	<p>Project Proponent/ Qualified Botanist</p>
<p>Mitigation Measure #5: Monarch Butterfly Measures</p> <p>MM BIO-2a Monarch Butterfly Focused Surveys. If construction activities are initiated during the migration season for monarch butterflies (typically October 1 through March 1), a monarch biologist with a scientific collecting permit shall conduct</p>	<p>Prior to and during Project activities</p>	<p>Project Proponent /</p>

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Mitigation Measure	Timing	Responsible Party
<p>multiple focused surveys for roosting monarch butterflies within and adjacent to the Project site, including a 500-foot survey buffer, prior to the start of ground-disturbing activities. Monitoring should be conducted frequently during the overwintering season to capture changing distributions throughout the season, and in response to storm events.</p> <p>MM BIO-2b Avoidance of Monarch Butterfly Roosts. If a monarch butterfly roost is detected during focused surveys or at any point during the construction phase of the Project, the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be notified regarding the status of the roost. The Project proponent and monarch biologist shall consult with USFWS to prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan. No work shall commence until the long-term Monarch Butterfly Overwintering Habitat Management Plan is approved by USFWS.</p>		<p>Monarch Biologist</p>
<p>Mitigation Measure #6: Bat Focused Surveys</p> <p>The Project proponent shall retain a qualified bat specialist to conduct daytime and nighttime bat surveys throughout the Project area (plus a 100-foot buffer as access allows). These surveys shall identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized during day and night surveys to maximize detection of bats. A discussion of survey results, including negative findings, shall be provided to the City and CDFW. If no bat species are detected, the Project may proceed. If bat species are detected, no Project activities shall commence, and the Project proponent shall contact CDFW to coordinate on appropriate actions and compensatory mitigation.</p>	<p>Prior to Project activities</p>	<p>Project Proponent/ Bat Specialist</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #7: Tree Removal</p> <p>If bats are not detected, but the bat specialist determines that roosting bats may be present, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24-48 hours, as determined by the bat specialist, shall elapse prior to such operations to allow bats to escape.</p>	<p>During Project activities</p>	<p>Bat Specialist</p>
<p>Mitigation Measure #8: Maternity Roosts</p> <p>If the Project area supports maternity roosts, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season, when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree shall be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of, or directly under or adjacent to, an active roost. Work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.</p>	<p>Prior and during Project activities</p>	<p>Bat Specialist</p>
<p>Mitigation Measure #9: Nesting Bird/Raptor Measures</p> <p>MM BIO-5a Nesting Bird Pre-construction Surveys. Project activities shall occur outside the nesting season for migratory birds and raptors (February 1 through September 15, as early as January 1 for some raptors). If ground-disturbing or vegetation-removing construction activities or tree removal is proposed during the</p>	<p>Prior to and during Project activities</p>	<p>Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>breeding/nesting season for migratory birds, a qualified Biologist shall conduct pre-construction surveys for migratory birds and raptors within the Project site, including a 300-foot survey buffer, no more than 3 days prior to the start of ground-disturbing activities. If Project activities are delayed or suspended for more than 7 days during the nesting season, the nesting bird and raptor survey shall be repeated.</p> <p>MM BIO-5b Avoidance of Active Avian Nests. If an active nest is located during preconstruction surveys or at any point during the construction phase of the Project, the species shall be identified, and a no-disturbance buffer shall be established around the active nest. If a nest of a special-status bird or raptor is detected, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. At a minimum, a no-disturbance buffer of 500 feet around an active raptor nest and a no-disturbance buffer of 100 feet shall be placed around an active migratory bird nest. Personnel working on the Project, including all contractors working onsite, shall be instructed on the presence of nesting birds, restricted areas, and adherence to no-disturbance buffers. A qualified biologist shall periodically monitor any active bird nests to determine if Project-related activities occurring outside the “no-disturbance” buffer disturbs the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, Project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.</p>		
<p>Recommendation #1: Off-site Improvements</p> <p>CDFW recommends that the City revise the Project Description in the final EIR to include a thorough description of the exact off-site improvements. The final EIR should also evaluate if the off-site improvements would have a direct and/or indirect impact on the existing southern tarplant population. If the existing southern tarplant population</p>	<p>Prior to adoption of EIR</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>may be impacted, the final EIR should disclose the approximate acreage of the population that would be impacted and an estimation of how many southern tarplant individuals would be removed.</p>		
<p>Recommendation #2: Alternative 2 – Reduced RV Storage Alternative</p> <p>CDFW supports Alternative 2 as the Environmentally Superior Alternative and recommends it as the Preferred Alternative for the Project. Alternative 2 retains the majority of the Project elements as the proposed Project by retaining the self-storage building and approximately 65% of the RV spaces proposed. The only main element that would be eliminated is a private car wash; however, having a car wash is not a necessity given that there are various car wash locations throughout the City. Additionally, the DEIR states that Alternative 2 would be the environmentally superior build alternative (page 5-23). Previous scoping to find a sufficient off-site mitigation presented challenges, and it may be in the best interest of the Project proponent and the City to adopt Alternative 2 that would reduce the development footprint. By eliminating the RV spaces and the private car wash, the Project proponent has available space that could be utilized to expand on-site mitigation if special-status species (e.g., decumbent goldenbush, southern tarplant, Crotch’s bumble bee) are determined to be present during surveys.</p>	<p>Prior to adoption of EIR</p>	<p>Lead Agency</p>
<p>Recommendation #3: Trail</p> <p>Given that the easement area is intended for development of a public trail, CDFW requests that the City provide clarification as to whether the construction, operation, and maintenance of the trail is proposed as part of this Project or whether development, operation, and maintenance of the trail will be analyzed as a separate discretionary action under CEQA. If development of the trail is part of this Project, the final EIR should include a map with the layout of the trail, a detailed description of specific Project activities associated with construction of the trail, an impact analysis of</p>	<p>Prior to adoption of EIR</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>a trail as it relates to biological resources and wildlife species, and mitigation measure or measures where appropriate.</p>		
<p>Recommendation #4: Lighting CDFW recommends exterior lighting is directed away from the on-site southern tarplant mitigation site within the Project site.</p>	<p>During Project activities</p>	<p>Project Proponent</p>
<p>Recommendation #5: Landscaping CDFW recommends the City incorporates a planting palette in the final EIR, specifying the vegetation that will be used as landscaping for this Project. The Project proponent should use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent restrict use of any species, particularly 'moderate' or 'high' listed by the California Invasive Plant Council.</p>	<p>Prior to adoption of the EIR and during Project activities</p>	<p>Project Proponent / Lead Agency</p>

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Attachment B: Exhibit 4.3-3 Southern Tarplant Population Extent

